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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

ANTONIO S. CAMACHO)	CIVIL CASE NO. 05-0043
)	
Plaintiff,)	
)	
vs.)	
)	
COMMONWEALTH OF THE)	MOTION TO AMEND JUDGMENT
NORTHERN MARIANA ISLANDS,)	AS TO COSTS
DEPARTMENT OF PUBLIC LANDS,)	
successor to the Marianas Public Lands)	
Authority, and DEPARTMENT OF)	
PUBLIC WORKS,)	
)	
Defendants.)	
)	

Plaintiff and prevailing party Antonio S. Camacho ("Mr. Camacho") hereby submits, pursuant to 28 U.S.C. § 1920 and Rule 59(e) of the Federal Rules Of Civil Procedure this Motion to Amend this Court's Order Awarding Costs To Plaintiff In The Amount Of \$1,352.50 entered on December 22, 2006. Plaintiff recognizes that this Court has a great deal of discretion with regard to the award of costs and will not dispute the majority of the categories of costs denied taxation to the Defendants. However, with regard to the costs incurred by Plaintiff in the preparation of certain demonstrative exhibits admitted into evidence, Plaintiff believes that this Court misconstrued Plaintiff's justification for taxation of these costs. Therefore, Plaintiff respectfully requests this Court's reconsideration of its denial of these costs.

Plaintiff's Costs For Production Of Exhibits Admitted Into Evidence Should Be Taxed To Defendants.

This Court did not award the amount of \$4,260.00 prayed for by Plaintiff that represents the costs associated with the production of trial exhibits.¹ These costs are listed on Plaintiff's Summary of Costs (attached hereto as "Exhibit A")² under the heading "Trial Exhibits." In Plaintiff's Bill of Costs, these costs were substantiated by reference to the detailed itemization of the bill from Plaintiff's expert witness Roger Slater. *See* Declaration of George L. Hasselback in support of this Motion filed herewith. Plaintiff did not ask that the entirety of the expenses incurred with respect to this witness be taxed against Defendants. *Id.* Rather, Plaintiff only requested that those expenses related to preparation of trial exhibits be taxed against Defendants. *Id.*

"Discovery papers and trial exhibits also fall under 28 U.S.C. 1920(4), which states that [F]ees for exemplification and copies of papers necessarily obtained for use in the case may be taxable as costs. The papers and exhibits need not be admitted into evidence in order for taxable costs to be available for the prevailing party (internal citations omitted)." *Peabody Coal Co. v. Navajo Nation*, 162 F.R.D. 596, 600 (D.Ariz., 1995). Here, the trial exhibits in question were admitted into evidence and, therefore, the costs associated with these exhibits should be taxed against the Defendants. The Plaintiff necessarily incurred these expenses because he had no idea which of several eventualities regarding land valuation, date of taking and amounts of land taken would be found by the jury. Add into that equation the complication of variable interest rates and this amounted to hundreds of pages of calculations.

¹ The Order at 2.

² Also attached to Plaintiff's Declaration of Counsel in support of Bill of Costs as "Exhibit A."

1 The schedules of calculations and their summaries were the only practicable way this massive
2 amount of information could have been intelligently presented to the jury.

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4 Therefore, this Court should tax the amount spent on the preparation of these schedules
5 and summaries as demonstrative exhibits and against the Defendants.
6

7
8 **CONCLUSION**

9 Plaintiff necessarily incurred costs associated with the preparation of demonstrative
10 trial exhibits that were admitted into evidence. For those reasons, this Court should reconsider
11 its prior order and tax an additional \$4,369.80.
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14 Respectfully submitted January 9, 2007.

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17 O'CONNOR BERMAN DOTTS & BANES,

18 Attorneys for Antonio S. Camacho
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20 By: /s/ _____
21 George L. Hasselback
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